

Notice of Allowability

Application No.

10/554,351

Examiner

Christopher Verdier

Applicant(s)

STIIG ET AL.

Art Unit

3745

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment dated October 31, 2007.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

The amendment to the specification dated October 31, 2007 has not been entered because it does not conform to 37 CFR 1.121. The changes therein are incorporated in this Examiner's Amendment.

On page 2, line 20, "b - b" has been changed to -- B - B --.

On page 2, line 21, "c - c" has been changed to -- C - C --.

On page 2, line 25, "d - d" has been changed to -- D - D --.

On page 2, line 29, "b - b" has been changed to -- B - B --.

On page 3, line 7, "axis" has been changed to -- axle --.

On page 4, line 29, "d - d" has been changed to -- D - D --.

On page 4, the last two lines have been deleted.

On page 4, after line 31, beginning as a new line, the following has been inserted:

-- In this alternative embodiment, there is no need to make the tower lean away from the wind and as such no need to incline the rotor blades 28. This --.

In the Claims:

In claim 1, line 2, "the" has been changed to -- a --.

In claim 1, line 3, "a" (first occurrence) has been changed to -- the --.

The above changes to the specification have been made because the amendment to the specification dated October 31, 2007 does not conform to 37 CFR 1.121. The above changes to claim 1 have been made to correct obvious errors.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The instant application is directed toward an unobvious improvement over the invention disclosed in French Patent 1,086,320. The French Patent discloses a wind power plant of cyclone type comprising a base 11, a tower 1 arranged above the base and being open at the top and provided with a side inlet 5 for the wind to generate a cyclone in the tower, a substantially horizontal turbine 9 having inlets near 12 through the base and an outlet 8 to the center of the cyclone in the tower. The improvement comprises the tower being formed such that the cross-section of the tower forms an elliptical shape in the horizontal plane substantially along the entire tower length, the center of the ellipse being positioned substantially at the tower axis. None of the prior art of record discloses or suggests the improvement. Applicant's argument in the Remarks dated October 31, 2007 (page 8, paragraph three and the paragraph bridging onto page 4) that the tower in French Patent 1,086,320 is a logarithmic spiral has been carefully considered

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and is persuasive. The rejection of claims 5 and 8 under 35 USC 102(b) as being anticipated by French Patent 1,086,320 is thus withdrawn.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.
December 9, 2007


Christopher Verdier
Primary Examiner
Art Unit 3745